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11 XX GLOBAL, INC. and JACQUES WEBSTER

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION
15

16 PJAM LLC,
17 Plaintiff,
18 vs.
19 XX GLOBAL, INC., JAQUES
20 WEBSTER, and DOES 1-20, inclusive,
21 Defendants.
22

CASE NO. 2:18-cv-03192 JFW
(MRWx)

**DECLARATION OF HOWARD E.
KING IN RESPONSE TO
JANUARY 2, 2019 ORDER TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR
FAILURE TO COMPLY WITH
THE COURT'S ORDER**

23 XX GLOBAL, INC. and JACQUES
24 WEBSTER,
25 Counterclaimants,
26 vs.
27 PJAM LLC, JEFFERSON AGAR,
28 ALEX MARTINI, PATRICK
JOHNSTON, and ROES 1 through 10,
inclusive,
Counterclaim Defendants.

OSC Date: January 7, 2019
Action Commenced: March 20, 2018
Trial Date: April 9, 2019

DECLARATION OF HOWARD E. KING

I, Howard E. King, declare:

1. I am a member of the State Bar of California admitted to practice before this Court and am a partner of King, Holmes, Paterno & Soriano, LLP, attorneys for Defendants and Counterclaimants XX Global, Inc. and Jacques Webster (together, “Defendants”) in the above-entitled action. If called as a witness, I could and would competently testify to all facts within my personal knowledge.

2. I am lead trial counsel for Defendants in this action.

3. Despite counsels’ good-faith efforts, scheduling a private mediation in this action was particularly difficult due to the parties’ exceptionally busy schedules during the second half of 2018. Defendant Jacques Webster (p/k/a Travis Scott), a professional hip-hop artist and performer, was on tour from August 24, 2018 through December 17, 2018, traveling between 31 different cities in the United Kingdom and across the United States. During that time, Mr. Webster’s management team—including key figures in this dispute—were unavailable for any mediation.

4. Moreover, based on opposing counsel’s representations, I understood that Plaintiff Alex Martini, another key figure in this dispute, had to be out of the country for work from November 2018 through mid-January 2019. He also was unavailable for any mediation during that time period.

5. Before the parties became unavailable, they had not yet conducted sufficient discovery to participate in a meaningful mediation.

6. The parties have since scheduled a private mediation with the Hon. Stephen E. Haberfeld (Ret.) of JAMS, to take place on January 17, 2019. I am cautiously optimistic about the parties’ ability to resolve this dispute informally.

7. The parties’ failure to schedule a private mediation before the Court-ordered deadline was not the result of gamesmanship by either side. Counsel for

1 both sides simply did not appreciate how difficult scheduling a private mediation,
2 with all necessary participants, would be.

3 8. I apologize to the Court for any inconvenience caused by counsels'
4 failure to comply with the Scheduling Order, and for failing to seek leave to amend
5 the schedule before the deadline to participate in a private mediation had passed.

6
7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed January 7, 2019, at Los Angeles, California.

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11 /s/ Howard E. King
12 Howard E. King
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1900 Avenue of the Stars, Twenty-Fifth Floor, Los Angeles, CA 90067-4506.

On January 7, 2019, I served true copies of the following document(s) described as **DECLARATION OF HOWARD E. KING IN SUPPORT OF RESPONSE OF COUNSEL FOR DEFENDANTS AND COUNTERCLAIMANTS XX GLOBAL, INC. AND JACQUES WEBSTER TO JANUARY 2, 2019 ORDER TO SHOW CAUSE** on the interested parties in this action as follows:

Stephen J. Tomasulo, Esq.
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Counterclaim Defendants PJAM
LLC, JEFFERSON AGAR, ALEX
MARTINI, PATRICK JOHNSTON

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 7, 2019, Los Angeles, California.

/s/ Aaron Rosenberg
AARON ROSENBERG